

**United States District Court
Eastern District of Wisconsin (Milwaukee)
CRIMINAL DOCKET FOR CASE #: 2:06-cr-00320-CNC All Defendants
*Internal Use Only***

Case title: USA v. Olofson

Magistrate judge case number: 2:06-mj-00486-WEC

Date Filed: 12/05/2006

Date Terminated: 05/15/2008

Assigned to: Judge Charles N Clevert,
Jr

Defendant (1)

David R Olofson

TERMINATED: 05/15/2008

represented by **Brian P Mullins**

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Pending Counts

18:922(o) and 924(a)(2) VIOLENT
CRIME/DRUGS/MACHINE GUN
(1)

Disposition

SENT: 30 mos. imprisonment. SUPERVISED
RELEASE: 2 Yrs. SA: \$100.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:922(o)

Disposition**Plaintiff**

USA

represented by **Gregory J Haanstad**
United States Department of Justice
(ED-WI)
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ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
11/17/2006	<u>1</u>		COMPLAINT signed by Magistrate Judge William E Callahan Jr as to David R Olofson (1). (kmf) [2:06-mj-00486-WEC] (Entered: 11/21/2006)
11/17/2006			Arrest Warrant Issued signed by Judge William E Callahan Jr as to David R Olofson. (kmf) [2:06-mj-00486-WEC] (Entered: 11/21/2006)
11/20/2006	<u>2</u>		Minute Entry (WEC) Initial Appearance as to David R Olofson held on 11/20/2006. Crt. advised deft. of rights. Govt. advised deft. of charges, penalties and fines. A &P/Prelim. hrg. to be set before Judge Goodstein on 12/6/06. Parties will be notified as to

			time of hrg. Govt. not seeking detention but w/request deft. have no contact w/firearms. Deft. requests exemption when deft. is w/reserve unit. Govt. does not obj. Crt. statements before ruling. Crt. sets O/R bond w/conditions: 1). Travel is restricted to the E.D. of WI. 2). Report to PTS as directed. 3). No firearms unless when active in Reserves. 4). Surrender all firearms to ATF. 5). Deft. may not go to firing range. (Tape #3:56:15-4:08:22/4:15:04-4:20:30) (kmf) [2:06-mj-00486-WEC] (Entered: 11/21/2006)
11/20/2006	<u>3</u>		ORDER Setting Conditions of Release as to David R Olofson. Signed by Judge William E Callahan Jr on 11/20/06. (cc: all counsel) (kmf) [2:06-mj-00486-WEC] (Entered: 11/21/2006)
11/21/2006	<u>4</u>		NOTICE OF HEARING as to David R Olofson. Prelim./A &P hrg. set for 12/6/2006 at 10:00 AM before Magistrate Judge Aaron E Goodstein. (cc: all counsel, via US mail to Atty. Rose)(kmf) [2:06-mj-00486-WEC]
11/21/2006	<u>5</u>		Warrant, executed on 11/20/06, returned as to David R Olofson. (kmf) [2:06-mj-00486-WEC]
11/22/2006	<u>6</u>		NOTICE OF HEARING as to David R Olofson. Preliminary/Arraignment and Plea hrg. reset for 12/6/2006 at 02:00 PM before Magistrate Judge Aaron E Goodstein. (cc: all counsel)(kmf) [2:06-mj-00486-WEC]
11/30/2006	<u>7</u>		CJA 20 as to David R Olofson: Appointment of Attorney Christopher W Rose for David R Olofson. Signed by Judge William E Callahan Jr on 11/28/06. (cc: all counsel) (jc) [2:06-mj-00486-WEC] (Entered: 12/06/2006)
12/05/2006	<u>9</u>		INDICTMENT as to David R Olofson (1) count(s) 1. (Attachments: # <u>1</u> information sheet) (bdf) (Entered: 12/08/2006)
12/06/2006	<u>10</u>		Minute Entry for proceedings held before Judge Aaron E Goodstein : Arraignment as to David R Olofson (1) Count 1 held on 12/6/2006. Defendant advised of rights, charges, penalties and fines. Plea entered by David R Olofson Not Guilty on counts 1. Speedy Trial Date 3/6/07 and trial est: 1 week. Referred to Magistrate Judge William E Callahan, Jr. Court orders GJ materials disclosed no later than 1 business day prior to trial. Motions due by 12/26/2006, 1/5/07 and 1/10/07. Final Pretrial Conference set for 2/13/2007 08:30 AM in Courtroom 425 before Judge J P Stadtmueller. Jury

			Trial set for 2/20/2007 08:30 AM in Courtroom 425 before Judge J P Stadtmueller. (Tape #2:10:47-2:18:23) (bdf) (Entered: 12/08/2006)
12/06/2006	<u>11</u>		PRETRIAL ORDER as to David R Olofson Motions due: 12/26/06 Response due: 1/5/07 Reply due: 1/10/07 Signed by Judge William E Callahan Jr on 12/6/06. (cc: all counsel) (bdf) (Entered: 12/08/2006)
12/06/2006	<u>12</u>		NOTICE OF HEARING as to David R Olofson. (cc: all counsel) Final Pretrial Conference set for 2/13/2007 08:30 AM in Courtroom 425 before Judge J P Stadtmueller. Jury Trial set for 2/20/2007 08:30 AM in Courtroom 425 before Judge J P Stadtmueller. (bdf) (Entered: 12/08/2006)
12/06/2006	<u>13</u>		SCHEDULING ORDER as to David R Olofson (see order for details) Signed by Judge J P Stadtmueller on 12/6/06. (cc: all counsel) (bdf) (Entered: 12/08/2006)
12/07/2006	<u>8</u>		LETTER from Atty.Christopher W.Rose <i>to: Judge Stadtmueller re Rescheduling</i> (Rose, Christopher) [2:06-mj-00486-WEC]
12/26/2006	<u>14</u>		First MOTION for Extension of Time to File <i>Pretrial Motions</i> by David R Olofson.(Rose, Christopher)
12/26/2006	<u>15</u>		AFFIDAVIT of Atty.Christopher W.Rose by David R Olofson <i>in Support of Motion to Extend</i> (Rose, Christopher)
12/27/2006	<u>16</u>		ORDER signed by Judge William E Callahan Jr on 12/27/06 granting in part and denying in part <u>14</u> Motion for Extension of Time to File as to David R Olofson (1). Pretrial motions are due 1/5/07, responses are due by 1/16/07 and replies are due by 1/22/07. (cc: all counsel) (bdf)
01/05/2007	<u>17</u>		LETTER from Atty. Christopher W.Rose <i>to U.S. Magistrate William Callaghan</i> (Rose, Christopher)
01/05/2007	<u>18</u>		First MOTION to Exclude <i>Evidence</i> by David R Olofson.(Rose, Christopher)
01/05/2007	<u>19</u>		AFFIDAVIT of Christopher W.Rose by David R Olofson <i>In support of Motion to Exclude</i> (Rose, Christopher)
01/05/2007	<u>20</u>		BRIEF by David R Olofson in Support re <u>18</u> First MOTION to Exclude <i>Evidence In Support of Motion to Exclude Evidence</i> (Rose, Christopher)
01/16/2007	<u>21</u>		

			RESPONSE by USA as to David R Olofson (Haanstad, Gregory)
01/23/2007	<u>22</u>		ORDER RE: PRETRIAL MOTION TO EXCLUDE EVIDENCE as to David R Olofson Signed by Judge William E Callahan Jr on 1/23/07. (cc: all counsel) (bdf)
01/24/2007			Case as to David R Olofson no longer referred to William E Callahan, Jr. File Transmitted to Judge J P Stadtmueller. (bdf)
01/25/2007	<u>23</u>		Second MOTION to Adjourn <i>Trial</i> by David R Olofson.(Rose, Christopher)
01/25/2007	<u>24</u>		AFFIDAVIT of Christopher W.Rose by David R Olofson <i>in support of Motion to Adjourn Trial</i> (Rose, Christopher)
01/25/2007	<u>25</u>		LETTER from Atty.Christopher W.Rose <i>re:Motion to Adjourn trial</i> (Rose, Christopher)
02/01/2007	<u>26</u>		LETTER from Atty. Christopher W.Rose <i>to Judge J.P.Stadtmueller</i> (Rose, Christopher)
02/01/2007	<u>27</u>		Third MOTION to Appoint Expert <i>Mike Bykowski</i> by David R Olofson.(Rose, Christopher)
02/08/2007	<u>28</u>		<i>Joint</i> PRETRIAL REPORT by USA as to David R Olofson (Haanstad, Gregory)
02/13/2007	<u>29</u>		Minute Entry for proceedings held before Judge J P Stadtmueller : Hearing Minutes as to David R Olofson held on 2/13/2007 Status Conference set for 2/22/2007 08:30 AM in Courtroom 425 before Judge J P Stadtmueller. (Court Reporter Sheryl Stawski) (Burkland, Melissa) (Entered: 02/15/2007)
02/15/2007	<u>30</u>		LETTER from Atty.Christopher W.Rose <i>to Magistrate William Callahan,Jr.</i> (Rose, Christopher)
02/22/2007	<u>31</u>		NOTICE OF HEARING as to David R Olofson. Final Pretrial Conference set for 3/15/2007 01:30 PM in Courtroom 425 before Judge J P Stadtmueller. Jury Trial set for 3/19/2007 08:30 AM in Courtroom 425 before Judge J P Stadtmueller. Final Pretrial Report is due as per previously issued order of December 6, 2006 (Docket # 13).(Blackburn, Pat)
02/22/2007	<u>32</u>		Minute Entry for proceedings held before Judge J P Stadtmueller : Status Conference as to David R Olofson held on 2/22/2007. Trial date set for March 19–20, 2007, at 8:30 a.m.; final pretrial conference set for March 15, 2007, at 1:30 p.m. (Court Reporter

			John Schindhelm) (Chambers-jps, 2)
03/13/2007	<u>33</u>		Fourth MOTION to Adjourn <i>Trial</i> by David R Olofson.(Rose, Christopher)
03/13/2007	<u>34</u>		AFFIDAVIT of Christopher W. Rose by David R Olofson <i>in Support of Motion to Adjourn Trial</i> (Rose, Christopher)
03/13/2007	<u>35</u>		Fifth MOTION to Suppress <i>Evidence & Allow Late Filing</i> by David R Olofson.(Rose, Christopher)
03/13/2007	<u>36</u>		AFFIDAVIT of David R. Olofson by David R Olofson <i>to Suppress Evidence</i> (Rose, Christopher)
03/13/2007	<u>37</u>		Fifth MOTION for Discovery <i>to Prohibit Introduction of Evidence</i> by David R Olofson.(Rose, Christopher)
03/15/2007	<u>38</u>		Minute Entry for proceedings held before Judge J P Stadtmueller : Pretrial Conference as to David R Olofson held on 3/15/2007. Defendant's attorney discharged from representing Mr. Olofson; the court orders that this matter be reassigned to another branch of the court for the purpose of trial. (Court Reporter Cindy Bohman) (Burkland, Melissa) Corrected minute sheet added on 3/20/2007 (bet)
03/15/2007			(Court only) Case as to David R Olofson Reassigned to Judge Charles N Clevert, Jr. Judge J P Stadtmueller no longer assigned to the case., ***Attorney update in case as to David R Olofson. Attorney Christopher W Rose terminated. (bdf) (Entered: 03/16/2007)
03/16/2007			Case as to David R Olofson Referred to Magistrate Judge William E Callahan, Jr. (bdf)
03/21/2007	39		TRANSCRIPT of the Final Pretrial Conference held on 3/15/07 in the matter as to David R Olofson. (IN PAPER FORMAT) (kmf)
03/22/2007	<u>40</u>		NOTICE OF ATTORNEY APPEARANCE: Brian P Mullins appearing for David R Olofson (Mullins, Brian)
03/22/2007	<u>41</u>		LETTER from Brian P. Mullins <i>Requesting Additional Time To File Pretrial Motions</i> (Mullins, Brian)
03/23/2007	<u>42</u>		Minute Entry (WEC) Telephone Conference as to David R Olofson held on 3/23/2007. Deft. not participating. Defense counsel is newly appointed and requests an opportunity to review the discovery to determine if he w/proceed with motions previously filed by prior counsel or if additional

			<p>motions need to be filed. Crt. sets the following briefing schedule: 4/12/07, 4/23/07, 4/27/07. Def. w/file a letter w/court indicating whether he will be filing additional motions or adopt motions previously filed by prior counsel.(Tape #3:54;54-4:06:41) (kmf) (Entered: 03/27/2007)</p>
03/27/2007	<u>43</u>		<p>SCHEDULING ORDER as to David R Olofson Final/Joint Pretrial Report due by 5/4/2007 Final Pretrial Conference set for 5/11/2007 11:30 AM in Courtroom 222 before Judge Charles N Clevert Jr. Jury Trial set for 5/21/2007 08:30 AM in Courtroom 222 before Judge Charles N Clevert Jr. Signed by Judge Charles N Clevert Jr on 3/27/07. (cc: all counsel) ((mj), C. N. CLEVERT, JR.)</p>
04/02/2007	44		<p>TRANSCRIPT of Final Pretrial Conference held on 2/13/07 as to David R Olofson (kmf) (IN PAPER FORMAT)</p>
04/12/2007	<u>45</u>		<p>MOTION to Suppress <i>Statements and Fruits Derived Therefrom and Request for Evidentiary Hearing</i> by David R Olofson.(Mullins, Brian)</p>
04/12/2007	<u>46</u>		<p>MOTION to Dismiss <i>Indictment</i> by David R Olofson.(Mullins, Brian)</p>
04/23/2007	<u>47</u>		<p>RESPONSE by USA as to David R Olofson re <u>46</u> MOTION to Dismiss <i>Indictment</i> (Haanstad, Gregory)</p>
04/24/2007	<u>48</u>		<p>Joint MOTION to Adjourn <i>Trial and Final Pretrial</i> by USA as toDavid R Olofson.(Haanstad, Gregory)</p>
05/02/2007	<u>49</u>		<p>LETTER <i>RE/PERMISSION TO TRAVEL</i> (Mullins, Brian)</p>
05/03/2007			<p>MARGIN ORDER as to David R Olofson granting deft's request to travel to the Western District of Wisconsin from 5/3/07 thru 5/7/07. Signed by Judge William E Callahan Jr on 5/3/07. (cc: all counsel) (bdf) (Entered: 05/04/2007)</p>
05/03/2007	<u>50</u>		<p>Minute Entry (WEC) Bond Hearing as to David R Olofson held on 5/3/2007. Deft. requests leave to travel to Camp McCoy for army duty and training from 5/3-5/7. Deft. was supposed to report today. Govt. does not oppose request. Crt. w/GRANT deft.'s request to travel to the W.D. of Wisconsin. Evidentiary Hearing set for 5/31/2007 at 01:30 PM before Magistrate Judge William E Callahan Jr. (Tape #4:19:11-4:29:18) (kmf) (Entered: 05/07/2007)</p>
05/29/2007	<u>51</u>		

			Minute Entry for proceedings held before Judge William E Callahan Jr: Evidentiary Hearing as to David R Olofson held on 5/29/2007. Testimony taken. Exhibit #3 OParties are to file simultaneous briefs by 6/15/07 if a response is to be filed they are to seek leave of the court. (Court Reporter Heidi Trapp) (dmm)
05/30/2007	<u>52</u>		ORDER signed by Judge Charles N Clevert Jr on 5/30/07 granting <u>48</u> Motion to Adjourn as to David R Olofson (1). (cc: all counsel) ((mj), C. N. CLEVERT, JR.)
05/30/2007			Set/Reset Hearings as to David R Olofson: Final Pretrial Conference set for 7/24/2007 09:30 AM in Courtroom 222 before Judge Charles N Clevert Jr. Jury Trial set for 8/6/2007 08:30 AM in Courtroom 222 before Judge Charles N Clevert Jr. ((mj), C. N. CLEVERT, JR.)
06/11/2007	<u>53</u>		LETTER from Brian P. Mullins <i>Regarding Request to Adjourn Trial</i> (Mullins, Brian)
06/12/2007	<u>54</u>		ORDER Granting Request to Reschedule Trial as to David R Olofson Final Pretrial Conference reset for 9/11/2007 09:00 AM in Courtroom 222 before Judge Charles N Clevert Jr. Jury Trial reset for 9/17/2007 08:30 AM in Courtroom 222 before Judge Charles N Clevert Jr. Signed by Judge Charles N Clevert Jr on 6/12/07. (cc: all counsel) ((mj), C. N. CLEVERT, JR.)
06/15/2007	<u>55</u>		MEMORANDUM by David R Olofson in Support re <u>45</u> MOTION to Suppress <i>Statements and Fruits Derived Therefrom and Request for Evidentiary Hearing DEFENDANTS POST-EVIDENTIARY HEARING MEMORANDUM IN SUPPORT OF MOTION TO SUPPRESS STATEMENT</i> (Mullins, Brian)
06/15/2007	<u>56</u>		BRIEF in Opposition by USA as to David R Olofson re <u>45</u> MOTION to Suppress <i>Statements and Fruits Derived Therefrom and Request for Evidentiary Hearing</i> (Haanstad, Gregory)
06/21/2007	<u>57</u>		REPORT AND RECOMMENDATIONS as to David R Olofson recommending that <u>46</u> MOTION to Dismiss Indictment and <u>45</u> MOTION to Suppress Statements and Fruits Derived Therefrom be denied. Signed by Judge William E Callahan Jr on 6/21/07. (cc: all counsel) (bdf) (Entered: 06/22/2007)
06/22/2007			Case as to David R Olofson no longer referred to William E Callahan, Jr. File Transmitted to Judge

			Charles N. Clevert, Jr. (bdf)
07/06/2007	<u>58</u>		OBJECTION TO REPORT AND RECOMMENDATIONS <u>57</u> by David R Olofson (Attachments: # <u>1</u> Attachment)(Mullins, Brian)
08/17/2007	59		TRANSCRIPT of Evidentiary Hearing held on 5/29/07 as to David R Olofson. (IN PAPER FORMAT) (kmf)
08/21/2007	<u>60</u>		NOTICE OF ATTORNEY APPEARANCE: Brian T Fahl appearing for David R Olofson (Fahl, Brian)
08/28/2007	<u>61</u>		ORDER signed by Judge Charles N Clevert Jr on 8/28/07 denying <u>45</u> Motion to Suppress as to David R Olofson (1); denying <u>46</u> Motion to Dismiss as to David R Olofson (1); adopting Report and Recommendations re <u>57</u> as to David R Olofson (1). (cc: all counsel) ((mj), C. N. CLEVERT, JR.)
09/10/2007	<u>62</u>		LETTER <i>RE/Request for discovery</i> (Mullins, Brian)
09/11/2007	<u>63</u>		MINUTES: Pretrial Conference held on 9/11/07 as to David R OLOFSON. Court finds that the interests of justice warrant an adjournment of the jury trial scheduled for 9/17/07. FPT is reset to 11/9/07 at 11:00 AM and the JURY TRIAL is reset to 11/19/07 at 8:30 AM. Pursuant to the defendant's oral waiver of his rights to a speedy trial, time under STA is tolled to 11/19/07. Defendant is to file a written speedy trial waiver. (Tape #9:14:14 to 9:16:56) ((kwb), C. N. Clevert, Jr.) (Entered: 09/24/2007)
11/06/2007	<u>64</u>		MOTION to Adjourn <i>TRIAL</i> by David R Olofson.(Fahl, Brian)
11/13/2007			Set/Reset Hearings as to David R Olofson: Final Pretrial Conference reset for 1/3/2008 02:00 PM in Courtroom 222 before Judge Charles N Clevert Jr. Jury Trial reset for 1/7/2008 08:30 AM in Courtroom 222 before Judge Charles N Clevert Jr. ((mj), C. N. CLEVERT, JR.)
11/13/2007			(Court only) ***Motions terminated as to David R Olofson: <u>64</u> MOTION to Adjourn <i>TRIAL</i> filed by David R Olofson. ((mj), C. N. CLEVERT, JR.)
12/28/2007	<u>65</u>		First MOTION for Discovery by David R Olofson. (Attachments: # <u>1</u> Exhibit Discovery Letter# <u>2</u> Exhibit Second Discovery Letter)(Fahl, Brian)
01/03/2008	<u>66</u>		AMENDED PRETRIAL REPORT. (kmf) (Entered: 01/07/2008)
01/03/2008	<u>71</u>		MINUTES: Final Pretrial Conference held 1/3/08 as to David R OLOFSON. Trial will commence on

			1/7/08 at 8:30 AM. Defendant's Motion to Compel <u>65</u> as to Paragraphs 1, 3, 7 and 8 are WITHDRAWN and held in abeyance as to Paragraphs 2 and 4 through 6. Discussion re potential Daubert Hearing and proposed jury instructions. See Minutes for additional information. (Tape #2:08:40 to 3:16:55) ((kwb), C. N. Clevert, Jr.) (Entered: 01/14/2008)
01/07/2008	<u>72</u>		MINUTES: JURY TRIAL commenced 1/7/08. Completed Voir Dire, Jury Selection, Opening Statements and Witness Testimony of R. Kiernicki, J. Keeku, P. Harding, M. Kingery and L. Savage. Trial to resume 1/8/08. (Court Reporters Sheryl Stawski and John Schindhelm) ((kwb), C. N. Clevert, Jr.) (Entered: 01/16/2008)
01/08/2008	<u>68</u>		Minute Entry (CNC) Day 2 of Jury Trial held on 1/8/2008. the jury returned a verdict of guilty. PSR due 4/1/07; obj. due 4/15/08. Sentencing set for 5/8/2008 at 02:30 PM before Judge Charles N Clevert Jr. Deft. remaind on bond subject to the conditions as previously set. (Court Reporter John Schindhelm) (kmf) (Entered: 01/11/2008)
01/08/2008	<u>69</u>		JURY INSTRUCTIONS as to David R Olofson. (kmf) (Entered: 01/11/2008)
01/08/2008	<u>70</u>		JURY VERDICT finding deft. David R Olofson GUILTY on Count 1. (kmf) (Entered: 01/11/2008)
01/08/2008	<u>74</u>		JURY NOTES, w/court response, as to David R Olofson. (kmf) (Entered: 01/18/2008)
01/10/2008	<u>67</u>		EXHIBITS received for USA; exhibit list filed. (eeb)
01/17/2008	<u>73</u>		MOTION for Acquittal by David R Olofson.(Fahl, Brian)
01/18/2008	<u>75</u>		NOTICE OF HEARING as to David R Olofson. Bond Hearing reset for 1/24/2008 on 01:30 PM before Magistrate Judge Aaron E Goodstein. (cc: all counsel)(kmf)
01/18/2008			(Court only) ***Terminate Deadlines/Hearings as to David R Olofson: (kmf)
01/31/2008	76		TRANSCRIPT of Jury Trial (Vol. 2) held on 1/7/08 as to David R Olofson. (IN PAPER FORMAT) (kmf) (Entered: 02/01/2008)
01/31/2008	77		TRANSCRIPT of Jury Trial (Vol. 3) held on 1/8/08 as to David R Olofson. (IN PAPER FORMAT) (kmf) (Entered: 02/01/2008)
02/05/2008	<u>78</u>		

			LETTER from Brian T. Fahl <i>requesting travel outside the Eastern District of Wisconsin</i> (Fahl, Brian)
02/07/2008	<u>79</u>		ORDER Granting Motion to Travel as to David R Olofson Signed by Judge Charles N Clevert Jr on 2/7/08. (cc: all counsel) ((mj), C. N. CLEVERT, JR.)
03/13/2008	<u>80</u>		RESPONSE by USA as to David R Olofson re <u>73</u> MOTION for Acquittal (Haanstad, Gregory)
04/16/2008	<u>100</u>		OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT by David R Olofson. (kmf) (Entered: 05/19/2008)
04/30/2008	<u>81</u>		REPLY by David R Olofson (Fahl, Brian)
05/01/2008	<u>82</u>		MOTION to Compel <i>Disclosure of Evidence</i> by David R Olofson.(Fahl, Brian)
05/01/2008	<u>83</u>		MEMORANDUM by David R Olofson in Support re <u>82</u> MOTION to Compel <i>Disclosure of Evidence</i> (Fahl, Brian) Modified per filer on 5/2/2008 (kmf).
05/01/2008	<u>84</u>		MEMORANDUM by David R Olofson in Support re <u>82</u> MOTION to Compel <i>Disclosure of Evidence With Attachment</i> (Attachments: # <u>1</u> Exhibit ATF Memo)(Fahl, Brian)
05/01/2008	<u>85</u>		MOTION for New Trial by David R Olofson.(Fahl, Brian)
05/06/2008	<u>86</u>		Minute Entry for Status Conference held before Judge Charles N Clevert, Jr. held on 5/6/2008 as to David R Olofson. Sentencing will be adjourned to allow the government time to respond to two motions filed on 5/1/08. ((mj), C. N. CLEVERT, JR.) (Entered: 05/07/2008)
05/06/2008			Set/Reset Hearings as to David R Olofson: Sentencing reset for 5/13/2008 02:30 PM in Courtroom 222 before Judge Charles N Clevert Jr. ((mj), C. N. CLEVERT, JR.) (Entered: 05/07/2008)
05/09/2008	<u>87</u>		SENTENCING MEMORANDUM by David R Olofson (Attachments: # <u>1</u> Letter Letters)(Fahl, Brian)
05/12/2008	<u>88</u>		RESPONSE by USA as to David R Olofson re <u>82</u> MOTION to Compel <i>Disclosure of Evidence</i> , <u>85</u> MOTION for New Trial (Haanstad, Gregory)
05/12/2008	<u>89</u>		SENTENCING MEMORANDUM by USA as to David R Olofson (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Haanstad, Gregory)

05/12/2008	<u>90</u>		MEMORANDUM by David R Olofson in Support re <u>82</u> MOTION to Compel <i>Disclosure of Evidence</i> (Attachments: # <u>1</u> Attachment)(Fahl, Brian)
05/13/2008	<u>91</u>		LETTER (Attachments: # <u>1</u> Attachment – Transcript)(Fahl, Brian)
05/13/2008	<u>92</u>		RESPONSE by USA as to David R Olofson <i>RE: Defendant's Motion to Stay Execution of Sentence</i> (Haanstad, Gregory)
05/13/2008	<u>95</u>		MINUTES: Sentencing Hearing held on 5/13/08 as to David R OLOFSON. Court denies all motions. See separate order. Defendant is sentenced to 30 Months Imprisonment and 2 Years Supervised Release as to the 1–Ct Indictment. Conditions of Supervised Release are imposed. SEE Judgment for additional details. Clerk is to file a Notice of Appeal. (Tape #2:34:44 to 3:26:00 and 3:37:47 to 5:04:23) ((kwb), C. N. Clevert, Jr.) (Entered: 05/15/2008)
05/13/2008	<u>96</u>		Document sealed (kmf) (Entered: 05/16/2008)
05/15/2008	<u>93</u>		LETTER from Brian Mullins <i>Requesting Permission for Olofson to travel to Western District of Wisconsin</i> (Mullins, Brian)
05/15/2008	<u>94</u>		ORDER signed by Judge Charles N Clevert, Jr on 5/15/08 denying <u>65</u> Motion for Discovery as to David R Olofson (1); denying <u>73</u> Motion for Judgment of Acquittal as to David R Olofson (1); denying <u>82</u> Motion to Compel as to David R Olofson (1); denying <u>85</u> Motion for New Trial as to David R Olofson (1) and Denying Defendant's Motion for Stay Pending Appeal. (cc: all counsel) ((mj), C. N. CLEVERT, JR.)
05/15/2008	<u>97</u>	16	JUDGMENT as to David R Olofson (1). SENT: 30 mos. imprisonment. Deft. shall surrender for service of sentence as notified. SUPERVISED RELEASE: 2 Yrs. Conditions of Supervised Release imposed. See judgment for additional details. SA: \$100. Signed by Judge Charles N Clevert, Jr on 5/15/08. (cc: all counsel) (kmf) (Entered: 05/16/2008)
05/15/2008			(Court only) ***Case Terminated as to David R Olofson (kmf) (Entered: 05/16/2008)
05/16/2008	<u>98</u>		ORDER Denying Defendant's Letter Request to Travel to Western District of Wisconsin as to David R Olofson Signed by Judge Charles N Clevert, Jr on 5/16/08. (cc: all counsel) ((mj), C. N. CLEVERT, JR.)
05/18/2008	<u>99</u>	14	

			NOTICE OF APPEAL by David R Olofson re Judgment <u>97</u> . ((kwb), C. N. Clevert, Jr.)
05/22/2008	<u>101</u>	15	7th Circuit Information Sheet re: <u>99</u> Notice of Appeal (dmm)
05/22/2008	<u>102</u>		Attorney Cover Letter re: <u>99</u> Notice of Appeal (dmm)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID R. OLOFSON,

Defendant.

NOTICE OF APPEAL

Case No. 06-CR-320

Notice is hereby given that the defendant, David R. Olofson, appeals to the United States Court of Appeals for the Seventh Circuit from the final judgment entered in this action on May 15, 2008.

This notice has been prepared and filed by the Clerk of Court on behalf of the defendant pursuant to Rule 32(c)(5), Federal Rules of Criminal Procedure.

Dated at Milwaukee, Wisconsin, on this 18th day of May, 2008.

Jon W. Sanfilippo
U.S. District Court Clerk

By: /s/ Kristine Wilson Brah
Deputy Clerk

SEVENTH CIRCUIT APPEAL INFORMATION SHEET

Include names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal.
Use separate sheet if needed.

District: **Eastern District of Wisconsin**Docket No.: **06-CR-320**Division: **Milwaukee**

Plaintiff (Petitioner)
(UNITED STATES OF AMERICA

Short Captionv. **David Olofson**)**Defendant (Respondent)**

Current Counsel for Plaintiff (Petitioner):
(Respondent):

Current Counsel for Defendant

(Use separate sheet for additional counsel)

Name: Gregory Haanstad
Firm: Assistant U.S. Attorney
Address: 517 E. Wisconsin Ave., Rm. 530
Milwaukee, WI 53202
Phone: (414)297-1700

Name: Brian Mullins
Firm: Federal Defender Services of WI
Address: 517 E. Wisconsin Ave - Rm 182
Milwaukee, WI 53202
Phone: 414-221-9900

Judge: Charles N. Clevert
Court Reporter: _____

Nature of Suit Code: N/A
Date Filed in District Court: 12/5/06
Date of Judgment: 5/15/08
Date of Notice of Appeal: 5/18/08

Counsel: ☒ Appointed ☐ Retained ☐ Pro SeFee Status: ☐ Paid ☐ Due ☐ IFP ☐ IFP Pending ☐ U.S. ☒ Waived

(Please mark only 1 item above)

Has Docketing Statement been filed with the District Court's Clerk's Office: ☒ Yes ☐ No

**IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK
OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(a).**

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

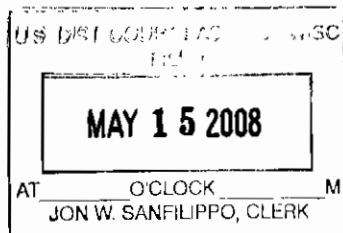
JUDGMENT IN A CRIMINAL CASE

v.

Case Number: 06-CR-320

DAVID ROLAND OLOFSON

USM Number: 08632-089

Brian Fahl and Brian P. Mullins

Defendant's Attorneys

Gregory J. Haanstad

Assistant United States Attorney

THE DEFENDANT:

- ☐ pleaded guilty on _____
- ☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.
- ☒ was found guilty by a jury as to the one-count Indictment on January 8, 2008, after a plea of not guilty.

The defendant is adjudicated guilty of the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 922(o) and 924(a)(2)	Knowingly transferring a machine gun	July 13, 2006	One

The defendant is sentenced as provided in Pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ of a _____ ☐ is ☐ are dismissed upon the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States attorney of material changes in economic circumstances.

May 13, 2008

Date of Imposition of Judgment

Signature of Judicial Officer

C. N. Clevert, Jr., U. S. District Judge

Name & Title of Judicial Officer

5/15/2008

Date

AO 245B (Rev. 06/05) Judgment in a Criminal Case:
Sheet 2 - Imprisonment

Defendant: David Roland Olofson
Case Number: 06-CR-320

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons for a term of **thirty (30) months imprisonment as to the one-count indictment.**

- ☒ The court makes the following recommendations to the Bureau of Prisons:
Placement at a facility as close as possible to the E.D. of Wisconsin; and
Participation in the Inmate Financial Responsibility Program to facilitate payment of the Special Assessment
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district.
☐ at _____ ☐ a.m. ☐ p.m. on _____.
☐ as notified by the United States Marshal.
- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
☐ before 2 p.m. on _____.
☐ as notified by the United States Marshal.
☒ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

Defendant: David Roland Olofson
Case Number: 06-CR-320

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **two (2) years** as to the one-count Indictment.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess any controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as directed.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notification and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Judgment in a Criminal Case:
Sheet 3A - Supervised Release

Defendant: David Roland Olofson
Case Number: 06-CR-320

ADDITIONAL TERMS OF SUPERVISED RELEASE

1. **Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released.**
2. **The defendant shall not possess any firearms or other dangerous weapons, as such possession will result in revocation of the supervision term and subject the defendant to a further term of Imprisonment.**
3. **Pursuant to the Violent Crime Control and Law Enforcement Act of 1994, the defendant shall not illegally possess or unlawfully use any controlled substance, as such possession or use will result in revocation of the supervision term and subject the defendant to a further term of Imprisonment.**
4. **The defendant shall cooperate in the collection of DNA under the guidance and supervision of the supervising probation officer.**
5. **The defendant shall perform at least 30 hours of community service in each year of supervised release as approved in advance by his supervised release probation officer.**

AO 245B (Rev 06/05) Judgment in a Criminal Case:
Sheet 5 - Criminal Monetary Penalties

Defendant: David Roland Olofson
Case Number: 06-CR-320

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$100.00	None	None

- ☐ The determination of restitution is subject to modification within 90 days from entry of this Judgment of Conviction. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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Totals:	\$ _____	\$ _____
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev 06/05) Judgment in a Criminal Case:
Sheet 6 - Schedule of Payments

Defendant: David Roland Olofson
Case Number: 06-CR-320

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A** ☒ Lump sum payment of \$100.00 for the Special Assessment is due immediately. If the defendant cannot make full and immediate payment, then the balance is to be paid
☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E or ☒ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties: The defendant is to participate in the Inmate Financial Responsibility Program to facilitate payment of the Special Assessment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several with:
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit his/her interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.